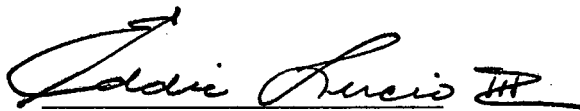


I certify this to be a true and correct
copy of the indicated document as
referred or transmitted to committee.

Chief Clerk of the House

FILED FEB 05 2007

By:



H.B. No. 1100

A BILL TO BE ENTITLED

AN ACT

relating to cancellation of a subdivision plat under certain
circumstances.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 232, Local Government
Code, is amended by adding Section 232.0083 to read as follows:

Sec. 232.0083. CANCELLATION OF CERTAIN SUBDIVISION PLATS IF
EXISTING PLAT OBSOLETE. (a) This section applies only to a
subdivision for which:

(1) a plat has been filed for 75 years or more;

(2) the most recent plat describes at least a portion
of the property as acreage tracts;

(3) a previous plat described at least a portion of the
property as lots and blocks; and

(4) the county tax assessor-collector lists the
property in the subdivision on the tax rolls based on the
description in the previous plat and assesses taxes on the basis of
that description.

(b) A person owning real property in the subdivision may
apply to the commissioners court of the county in which the property
is located for permission to cancel an existing subdivision plat in
whole or part and to reestablish the property using lots and blocks
descriptions that, to the extent practicable, are consistent with
the previous subdivision plat.

1 (c) After notice and hearing, the commissioners court may
2 order the cancellation of the existing subdivision plat and the
3 reestablishment of the property in accordance with the application
4 submitted under Subsection (b) if the court finds that:

5 (1) the cancellation and reestablishment does not
6 interfere with the established rights of any owner of a part of the
7 subdivision; or

8 (2) each owner whose rights may be interfered with has
9 agreed to the cancellation and reestablishment.

10 (d) If the commissioners court authorizes the cancellation
11 and reestablishment, the court by order shall authorize the person
12 making the application under this section to record an instrument
13 showing the cancellation and reestablishment. The court shall
14 enter the order in its minutes.

15 (e) The commissioners court shall publish notice of an
16 application for the cancellation and reestablishment. The notice
17 must be published at least three weeks before the date on which
18 action is taken on the application and must direct any person who is
19 interested in the property and who wishes to protest the proposed
20 cancellation and reestablishment to appear at the time specified in
21 the notice. The notice must be published:

22 (1) in English and Spanish in a newspaper that has
23 general circulation in the county and that is written primarily in
24 English; and

25 (2) in Spanish in a newspaper, if available, that has
26 general circulation in the county and that is written primarily in
27 Spanish.

1 SECTION 2. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2007.

HOUSE COMMITTEE REPORT

1st Printing

07 MAR 30 PM 8:46
HOUSE OF REPRESENTATIVES

By: Lucio III

H.B. No. 1100

Substitute the following for H.B. No. 1100:

By: Orr

C.S.H.B. No. 1100

A BILL TO BE ENTITLED

AN ACT

relating to cancellation of a subdivision plat under certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 232, Local Government Code, is amended by adding Section 232.0083 to read as follows:

Sec. 232.0083. CANCELLATION OF CERTAIN SUBDIVISION PLATS IF EXISTING PLAT OBSOLETE. (a) This section applies only to a subdivision for which:

(1) a plat has been filed for 75 years or more;

(2) the most recent plat describes at least a portion of the property as acreage tracts;

(3) a previous plat described at least a portion of the property as lots and blocks; and

(4) the county tax assessor-collector lists the property in the subdivision on the tax rolls based on the description in the previous plat and assesses taxes on the basis of that description.

(b) A person owning real property in the subdivision may apply to the commissioners court of the county in which the property is located for permission to cancel an existing subdivision plat in whole or part and to reestablish the property using lots and blocks descriptions that, to the extent practicable, are consistent with the previous subdivision plat.

1 (c) After notice and hearing, the commissioners court may
2 order the cancellation of the existing subdivision plat and the
3 reestablishment of the property in accordance with the application
4 submitted under Subsection (b) if the court finds that:

5 (1) the cancellation and reestablishment does not
6 interfere with the established rights of:

7 (A) any owner of a part of the subdivision; or

8 (B) a utility company with a right to use a public
9 easement in the subdivision; or

10 (2) each owner or utility whose rights may be
11 interfered with has agreed to the cancellation and reestablishment.

12 (d) The commissioners court shall publish notice of an
13 application for the cancellation and reestablishment. The notice
14 must be published at least three weeks before the date on which
15 action is taken on the application and must direct any person who is
16 interested in the property and who wishes to protest the proposed
17 cancellation and reestablishment to appear at the time specified in
18 the notice. The notice must be published:

19 (1) in English and Spanish in a newspaper that has
20 general circulation in the county and that is written primarily in
21 English; and

22 (2) in Spanish in a newspaper, if available, that has
23 general circulation in the county and that is written primarily in
24 Spanish.

25 (e) If the commissioners court authorizes the cancellation
26 and reestablishment, the court by order shall authorize the person
27 making the application under this section to record an instrument

1 showing the cancellation and reestablishment. The court shall
2 enter the order in its minutes.

3 SECTION 2. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2007.

COMMITTEE REPORT

The Honorable Tom Craddick
Speaker of the House of Representatives

03-28-2007
(date)

Sir:

We, your **COMMITTEE ON LAND AND RESOURCE MANAGEMENT**

to whom was referred HB 1100 have had the same under consideration and beg to report back with the recommendation that it

() do pass, without amendment.

() do pass, with amendment(s).

☒ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

☒ yes () no A fiscal note was requested.

() yes ☒ no A criminal justice policy impact statement was requested.

() yes ☒ no An equalized educational funding impact statement was requested.

() yes ☒ no An actuarial analysis was requested.

() yes ☒ no A water development policy impact statement was requested.

() yes ☒ no A tax equity note was requested.

☒ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor _____

Joint Sponsors: _____

Co-Sponsors: _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Mowery, Chair	✓			
Orr, Vice-chair	✓			
Zerwas, CBO	✓			
Callegari	✓			
Cook, R.				✓
Davis, Y.				✓
Geren				✓
Pickett	✓			
Ritter				✓

Total

5

aye

0

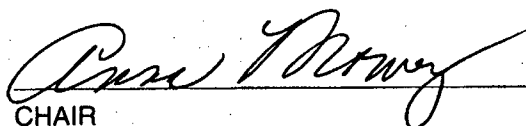
nay

0

present, not voting

4

absent


CHAIR

BILL ANALYSIS

C.S.H.B. 1100
By: Lucio III
Land & Resource Management
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In 1926, the original owners of a subdivision in Olmito, Texas, filed a plat describing the property in lots and blocks. In 1930, the owners had the Cameron County Commissioners Court cancel that plat to replace it with a plat that described the property by acreage. The subdivision went from blocks and lots to groves. Unfortunately, the tax appraisal district, title companies, surveyors, and real estate attorneys kept using the block and lot descriptions, which has created problems for the owners wanting to build on their properties.

The purpose of C.S.H.B. 1100 is to authorize certain people who own real property in certain subdivisions to follow a process to allow them to have canceled an existing subdivision plat in whole or part and to reestablish the property using lots and blocks descriptions.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. *Amends Chapter 232, Local Government Code, by adding Section 232.0083, as follows:*

The new Subsection (a) provides that the new Section 232.0083 applies only to a subdivision for which a plat has been filed for 75 years or more and the most recent plat describes at least a portion of the property as acreage tracts and a previous plat described at least a portion of the property as lots and blocks and the county tax assessor-collector lists the property in the subdivision on the tax rolls based on the description in the previous plat and assesses taxes on the basis of that description.

The new Subsection (b) authorizes a person owning real property in a subdivision described by Subsection (a) to apply to the commissioners court of the county in which the property is located for permission to cancel an existing subdivision plat in whole or part and to reestablish the property using lots and blocks descriptions that, to the extent practicable, are consistent with the previous subdivision plat.

The new Subsection (c) authorizes the commissioners court, after notice and hearing, to order the cancellation of the existing subdivision plat and the reestablishment of the property in accordance with the application submitted under the new Subsection (b) if the court makes certain findings (that either the cancellation and reestablishment does not interfere with the established rights of any owner of a part of the subdivision or a utility company with a right to use a public easement in the subdivision, or that each owner or utility whose rights may be interfered with has agreed to the cancellation and reestablishment).

The new Subsection (d) requires the commissioners court to publish notice of an application for the cancellation and reestablishment and requires that the notice must be published at least three weeks before the date on which

action is taken on the application and must direct any person who is interested in the property and who wishes to protest the proposed cancellation and reestablishment to appear at the time specified in the notice. Requires that the notice must be published in English and Spanish in a newspaper that has general circulation in the county and that is written primarily in English and in Spanish in a newspaper, if available, that has general circulation in the county and that is written primarily in Spanish.

The new Subsection (e) requires the commissioners court by order, if it authorizes the cancellation and reestablishment, to authorize the person making the application under the new Subsection (b) to record an instrument showing the cancellation and reestablishment, and requires the commissioners court to enter the order in its minutes.

SECTION 2. Effective Date.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

SECTION 1. The new Subsection (c) in the Committee Substitute authorizes the commissioners court, after notice and hearing, to order the cancellation of the existing subdivision plat and the reestablishment of the property in accordance with the application submitted under the new Subsection (b) if the court makes certain findings -- that either the cancellation and reestablishment does not interfere with the established rights of any owner of a part of the subdivision or a utility company with a right to use a public easement in the subdivision, or that each owner or utility whose rights may be interfered with has agreed to the cancellation and reestablishment (instead of that the cancellation and reestablishment does not interfere with the established rights of any owner of a part of the subdivision or that each owner whose rights may be interfered with has agreed to the cancellation and reestablishment in the Original introduced version).

The new Subsection (d) in the Committee Substitute is moved from the new Subsection (e) in the Original introduced version.

The new Subsection (e) in the Committee Substitute is moved from the new Subsection (d) in the Original introduced version.

SECTION 2. No change from the Original to the Committee Substitute.

SUMMARY OF COMMITTEE ACTION

HB 1100

March 28, 2007 8:00 AM or upon final adjourn./recess

Considered in public hearing

Testimony taken in committee (See attached witness list.)

Committee substitute considered in committee

Recommended to be sent to Local & Consent

Reported favorably as substituted

3
H

WITNESS LIST

HB 1100
HOUSE COMMITTEE REPORT
Land & Resource Management Committee

March 28, 2007 - 8:00 AM or upon final adjourn./recess

Registering, but not testifying:

For: Mendez, Mark (Tarrant County)

- Committee Substitute (Orr)

For: Garcia, David (Cameron County)

Sepulveda, Jr., Pete (Cameron County)

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 29, 2007

TO: Honorable Anna Mowery, Chair, House Committee on Land & Resource Management

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1100 by Lucio III (Relating to cancellation of a subdivision plat under certain circumstances.), Committee Report 1st House, Substituted

No fiscal implication to the State is anticipated.

The bill would establish procedures for the cancellation of certain subdivision plats if the existing plat is obsolete. Actions required by a county commissioners court as part of the procedures would include, if the court orders a cancellation, (1) requiring the applicant for cancellation to record an instrument and then the commissioners court including that order in its meeting minutes, and (2) publishing notice of an application for cancellation and reestablishment in English and Spanish in newspapers of general circulation in the county.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, WK, DB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 25, 2007

TO: Honorable Anna Mowery, Chair, House Committee on Land & Resource Management

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1100 by Lucio III (Relating to cancellation of a subdivision plat under certain circumstances.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would establish procedures for the cancellation of certain subdivision plats if the existing plat is obsolete. Actions required by a county commissioners court as part of the procedures would include, if the court orders a cancellation, (1) requiring the applicant for cancellation to record an instrument and then the commissioners court including that order in its meeting minutes, and (2) publishing notice of an application for cancellation and reestablishment in English and Spanish in newspapers of general circulation in the county.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, WK, DB

ADOPTED

APR 27 2007

Robert Hanes
Chief Clerk
House of Representatives

as amended
mVB

By:

Eddie Lucio III

H.B. No. 1100

Substitute the following for H.B. No. 1100:

By:

Orr

C.S. H.B. No. 1100

A BILL TO BE ENTITLED

AN ACT

relating to cancellation of a subdivision plat under certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 232, Local Government Code, is amended by adding Section 232.0083 to read as follows:

Sec. 232.0083. CANCELLATION OF CERTAIN SUBDIVISION PLATS IF EXISTING PLAT OBSOLETE. (a) This section applies only to a subdivision for which:

(1) a plat has been filed for 75 years or more;

(2) the most recent plat describes at least a portion of the property as acreage tracts;

(3) a previous plat described at least a portion of the property as lots and blocks; and

(4) the county tax assessor-collector lists the property in the subdivision on the tax rolls based on the description in the previous plat and assesses taxes on the basis of that description.

(b) A person owning real property in the subdivision may apply to the commissioners court of the county in which the property is located for permission to cancel an existing subdivision plat in whole or part and to reestablish the property using lots and blocks descriptions that, to the extent practicable, are consistent with the previous subdivision plat.

1 (c) After notice and hearing, the commissioners court may
2 order the cancellation of the existing subdivision plat and the
3 reestablishment of the property in accordance with the application
4 submitted under Subsection (b) if the court finds that:

5 (1) the cancellation and reestablishment does not
6 interfere with the established rights of:

7 (A) any owner of a part of the subdivision; or

8 (B) a utility company with a right to use a public
9 easement in the subdivision; or

10 (2) each owner or utility whose rights may be
11 interfered with has agreed to the cancellation and reestablishment.

12 (d) The commissioners court shall publish notice of an
13 application for the cancellation and reestablishment. The notice
14 must be published at least three weeks before the date on which
15 action is taken on the application and must direct any person who is
16 interested in the property and who wishes to protest the proposed
17 cancellation and reestablishment to appear at the time specified in
18 the notice. The notice must be published;

19 (1) in English and Spanish in a newspaper that has
20 general circulation in the county and that is written primarily in
21 English; and

22 (2) in Spanish in a newspaper, if available, that has
23 general circulation in the county and that is written primarily in
24 Spanish.

25 (e) If the commissioners court authorizes the cancellation
26 and reestablishment, the court by order shall authorize the person
27 making the application under this section to record an instrument

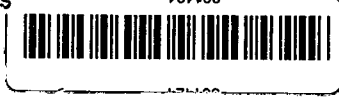
1 showing the cancellation and reestablishment. The court shall
2 enter the order in its minutes.

3 SECTION 2. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2007.

ADOPTED

APR 27 2007

Robert Hanes
Chief Clerk
House of Representatives



FLOOR AMENDMENT NO. 1

BY:

Charles H. Brown
Edwin Lucio III

- 1 Amend the proposed committee substitute to H.B. No. 1100 on
- 2 page 2 as follows:
- 3 (1) strike the colon on line 18.
- 4 (2) strike lines 19-24 and substitute the following:
- 5 in a newspaper that has general circulation in the county.

HOUSE ENGROSSMENT

By: Lucio III

H.B. No. 1100

A BILL TO BE ENTITLED

AN ACT

relating to cancellation of a subdivision plat under certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 232, Local Government Code, is amended by adding Section 232.0083 to read as follows:

Sec. 232.0083. CANCELLATION OF CERTAIN SUBDIVISION PLATS IF EXISTING PLAT OBSOLETE. (a) This section applies only to a subdivision for which:

(1) a plat has been filed for 75 years or more;

(2) the most recent plat describes at least a portion of the property as acreage tracts;

(3) a previous plat described at least a portion of the property as lots and blocks; and

(4) the county tax assessor-collector lists the property in the subdivision on the tax rolls based on the description in the previous plat and assesses taxes on the basis of that description.

(b) A person owning real property in the subdivision may apply to the commissioners court of the county in which the property is located for permission to cancel an existing subdivision plat in whole or part and to reestablish the property using lots and blocks descriptions that, to the extent practicable, are consistent with the previous subdivision plat.

1 (c) After notice and hearing, the commissioners court may
2 order the cancellation of the existing subdivision plat and the
3 reestablishment of the property in accordance with the application
4 submitted under Subsection (b) if the court finds that:

5 (1) the cancellation and reestablishment does not
6 interfere with the established rights of:

7 (A) any owner of a part of the subdivision; or

8 (B) a utility company with a right to use a public
9 easement in the subdivision; or

10 (2) each owner or utility whose rights may be
11 interfered with has agreed to the cancellation and reestablishment.

12 (d) The commissioners court shall publish notice of an
13 application for the cancellation and reestablishment. The notice
14 must be published at least three weeks before the date on which
15 action is taken on the application and must direct any person who is
16 interested in the property and who wishes to protest the proposed
17 cancellation and reestablishment to appear at the time specified in
18 the notice. The notice must be published in a newspaper that has
19 general circulation in the county.

20 (e) If the commissioners court authorizes the cancellation
21 and reestablishment, the court by order shall authorize the person
22 making the application under this section to record an instrument
23 showing the cancellation and reestablishment. The court shall
24 enter the order in its minutes.

25 SECTION 2. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

H.B. No. 1100

- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2007.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 29, 2007

TO: Honorable Anna Mowery, Chair, House Committee on Land & Resource Management

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB1100** by Lucio III (Relating to cancellation of a subdivision plat under certain circumstances.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

The bill would establish procedures for the cancellation of certain subdivision plats if the existing plat is obsolete. Actions required by a county commissioners court as part of the procedures would include, if the court orders a cancellation, (1) requiring the applicant for cancellation to record an instrument and then the commissioners court including that order in its meeting minutes, and (2) publishing notice of an application for cancellation and reestablishment in English and Spanish in newspapers of general circulation in the county.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, WK, DB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 25, 2007

TO: Honorable Anna Mowery, Chair, House Committee on Land & Resource Management

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1100 by Lucio III (Relating to cancellation of a subdivision plat under certain circumstances.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would establish procedures for the cancellation of certain subdivision plats if the existing plat is obsolete. Actions required by a county commissioners court as part of the procedures would include, if the court orders a cancellation, (1) requiring the applicant for cancellation to record an instrument and then the commissioners court including that order in its meeting minutes, and (2) publishing notice of an application for cancellation and reestablishment in English and Spanish in newspapers of general circulation in the county.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, WK, DB

By: Lucio III (Senate Sponsor - Lucio) H.B. No. 1100
(In the Senate - Received from the House April 30, 2007;
May 2, 2007, read first time and referred to Committee on
Intergovernmental Relations; May 9, 2007, reported favorably by
the following vote: Yeas 5, Nays 0; May 9, 2007, sent to printer.)

A BILL TO BE ENTITLED
AN ACT

relating to cancellation of a subdivision plat under certain
circumstances.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 232, Local Government
Code, is amended by adding Section 232.0083 to read as follows:

Sec. 232.0083. CANCELLATION OF CERTAIN SUBDIVISION PLATS IF
EXISTING PLAT OBSOLETE. (a) This section applies only to a
subdivision for which:

(1) a plat has been filed for 75 years or more;
(2) the most recent plat describes at least a portion
of the property as acreage tracts;
(3) a previous plat described at least a portion of the
property as lots and blocks; and
(4) the county tax assessor-collector lists the
property in the subdivision on the tax rolls based on the
description in the previous plat and assesses taxes on the basis of
that description.

(b) A person owning real property in the subdivision may
apply to the commissioners court of the county in which the property
is located for permission to cancel an existing subdivision plat in
whole or part and to reestablish the property using lots and blocks
descriptions that, to the extent practicable, are consistent with
the previous subdivision plat.

(c) After notice and hearing, the commissioners court may
order the cancellation of the existing subdivision plat and the
reestablishment of the property in accordance with the application
submitted under Subsection (b) if the court finds that:

(1) the cancellation and reestablishment does not
interfere with the established rights of:

(A) any owner of a part of the subdivision; or
(B) a utility company with a right to use a public
easement in the subdivision; or

(2) each owner or utility whose rights may be
interfered with has agreed to the cancellation and reestablishment.

(d) The commissioners court shall publish notice of an
application for the cancellation and reestablishment. The notice
must be published at least three weeks before the date on which
action is taken on the application and must direct any person who is
interested in the property and who wishes to protest the proposed
cancellation and reestablishment to appear at the time specified in
the notice. The notice must be published in a newspaper that has
general circulation in the county.

(e) If the commissioners court authorizes the cancellation
and reestablishment, the court by order shall authorize the person
making the application under this section to record an instrument
showing the cancellation and reestablishment. The court shall
enter the order in its minutes.

SECTION 2. This Act takes effect immediately if it receives
a vote of two-thirds of all the members elected to each house, as
provided by Section 39, Article III, Texas Constitution. If this
Act does not receive the vote necessary for immediate effect, this
Act takes effect September 1, 2007.

* * * * *

**FAVORABLE
SENATE COMMITTEE REPORT ON**

SB SCR SJR SR HB HCR HJR 1100
By LUCIO III / LUCIO, Sr.
(Author/Senate Sponsor)
5-9-07
(date)

Sir:

We, your Committee on INTERGOVERNMENTAL RELATIONS, to which was referred the attached measure, have on May 9, 2007, had the same under consideration and I am instructed to report it back with the recommendation (s) that it:

☒ do pass and be printed

☐ do pass and be ordered not printed

☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator West, Chairman	<input checked="" type="checkbox"/>			
Senator Nichols, Vice-Chairman	<input checked="" type="checkbox"/>			
Senator Gallegos	<input checked="" type="checkbox"/>			
Senator Patrick	<input checked="" type="checkbox"/>			
Senator Wentworth	<input checked="" type="checkbox"/>			
TOTAL VOTES	<u>5</u>	<u>0</u>		

COMMITTEE ACTION

☒ S260 Considered in public hearing

☐ S270 Testimony taken

2889 White
COMMITTEE CLERK

R. White
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill
Retain one copy of this form for Committee files

WITNESS LIST

HB 1100

Senate Committee Report

Intergovernmental Relations

May 9, 2007 - 9:30 AM

Registering, but not testifying:

For:

Sepulveda, Jr., Pete (Cameron County Commissioners Court), Brownsville, TX

BILL ANALYSIS

Senate Research Center

H.B. 1100
By: Lucio III (Lucio)
Intergovernmental Relations
5/8/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 1926, the original owners of a subdivision in Olmito, Texas, filed a plat describing the property in lots and blocks. In 1930, the owners had the Cameron County commissioners court cancel that plat and replace it with a plat that described the property by acreage. However, the tax appraisal district, title companies, surveyors, and real estate attorneys have continued to use the block and lot description rather than the acreage description, which has created problems for property owners seeking to build on their property. Current law does not provide a remedy for this situation.

H.B. 1100 authorizes certain people who own real property in certain subdivisions to follow a process in order to cancel, wholly or partly, an existing subdivision plat and to reestablish the property using lots and blocks descriptions.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 232, Local Government Code, by adding Section 232.0083, as follows:

Sec. 232.0083. CANCELLATION OF CERTAIN SUBDIVISION PLATS IF EXISTING PLAT OBSOLETE. (a) Provides that this section applies only to a certain subdivision.

(b) Authorizes a person owning real property in the subdivision to apply to the commissioners court of the county in which the property is located for permission to cancel an existing subdivision plat in whole or part and to reestablish the property using lots and blocks descriptions that, to the extent practicable, are consistent with the previous subdivision plat.

(c) Authorizes the commissioners court to order the cancellation of the existing subdivision plat and the reestablishment of the property in accordance with the application submitted under Subsection (b) after notice and hearing if the court finds certain information relating to the cancellation.

(d) Requires the commissioners court to publish notice of an application for the cancellation and reestablishment. Requires the notice to be published at least three weeks before the date on which action is taken on the application and to direct any person who is interested in the property and who wishes to protest the proposed cancellation and reestablishment to appear at the time specified in the notice. Requires the notice to be published in a newspaper that has general circulation in the county.

(e) Requires the court by order, upon authorization of cancellation and reestablishment, to authorize the person making the application under this section to record an instrument showing the cancellation and reestablishment. Requires the court to enter the order in its minutes.

SECTION 2. Effective date: upon passage or September 1, 2007.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 8, 2007

TO: Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1100 by Lucio III (Relating to cancellation of a subdivision plat under certain circumstances.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would establish procedures for the cancellation of certain subdivision plats if the existing plat is obsolete. Actions required by a county commissioners court as part of the procedures would include, if the court orders a cancellation, (1) requiring the applicant for cancellation to record an instrument and then the commissioners court including that order in its meeting minutes, and (2) publishing notice of an application for cancellation and reestablishment in a newspaper that has general circulation in the county.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, WK, DB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 25, 2007

TO: Honorable Anna Mowery, Chair, House Committee on Land & Resource Management

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1100 by Lucio III (Relating to cancellation of a subdivision plat under certain circumstances.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would establish procedures for the cancellation of certain subdivision plats if the existing plat is obsolete. Actions required by a county commissioners court as part of the procedures would include, if the court orders a cancellation, (1) requiring the applicant for cancellation to record an instrument and then the commissioners court including that order in its meeting minutes, and (2) publishing notice of an application for cancellation and reestablishment in English and Spanish in newspapers of general circulation in the county.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, WK, DB

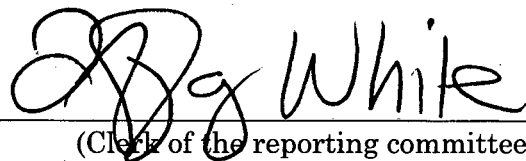
REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR KIM BRIMER, CHAIRMAN
SENATE COMMITTEE ON ADMINISTRATION

Notice is hereby given that HB 1100, by Lucio III / Lucio, Jr.,
(Bill No.) (Author/Sponsor)

was heard by the Committee on IGR on 5-9-07,
2007,

and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.


(Clerk of the reporting committee)

IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A COMMITTEE PRINTED VERSION OF THE BILL OR RESOLUTION AND SHOULD BE DELIVERED TO THE ADMINISTRATION COMMITTEE OFFICE, E1.714. DEADLINES FOR SUBMITTING BILLS AND RESOLUTIONS WILL BE ANNOUNCED ON A REGULAR BASIS.

ENROLLMENT

H.B. No. 1100

AN ACT

relating to cancellation of a subdivision plat under certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 232, Local Government Code, is amended by adding Section 232.0083 to read as follows:

Sec. 232.0083. CANCELLATION OF CERTAIN SUBDIVISION PLATS IF EXISTING PLAT OBSOLETE. (a) This section applies only to a subdivision for which:

- (1) a plat has been filed for 75 years or more;
- (2) the most recent plat describes at least a portion of the property as acreage tracts;
- (3) a previous plat described at least a portion of the property as lots and blocks; and
- (4) the county tax assessor-collector lists the property in the subdivision on the tax rolls based on the description in the previous plat and assesses taxes on the basis of that description.

(b) A person owning real property in the subdivision may apply to the commissioners court of the county in which the property is located for permission to cancel an existing subdivision plat in whole or part and to reestablish the property using lots and blocks descriptions that, to the extent practicable, are consistent with the previous subdivision plat.

1 (c) After notice and hearing, the commissioners court may
2 order the cancellation of the existing subdivision plat and the
3 reestablishment of the property in accordance with the application
4 submitted under Subsection (b) if the court finds that:

5 (1) the cancellation and reestablishment does not
6 interfere with the established rights of:

7 (A) any owner of a part of the subdivision; or

8 (B) a utility company with a right to use a public
9 easement in the subdivision; or

10 (2) each owner or utility whose rights may be
11 interfered with has agreed to the cancellation and reestablishment.

12 (d) The commissioners court shall publish notice of an
13 application for the cancellation and reestablishment. The notice
14 must be published at least three weeks before the date on which
15 action is taken on the application and must direct any person who is
16 interested in the property and who wishes to protest the proposed
17 cancellation and reestablishment to appear at the time specified in
18 the notice. The notice must be published in a newspaper that has
19 general circulation in the county.

20 (e) If the commissioners court authorizes the cancellation
21 and reestablishment, the court by order shall authorize the person
22 making the application under this section to record an instrument
23 showing the cancellation and reestablishment. The court shall
24 enter the order in its minutes.

25 SECTION 2. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

H.B. No. 1100

- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2007.

H.B. No. 1100

President of the Senate

Speaker of the House

I certify that H.B. No. 1100 was passed by the House on April 27, 2007, by the following vote: Yeas 132, Nays 1, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1100 was passed by the Senate on May 17, 2007, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

President of the Senate

Speaker of the House

I certify that H.B. No. 1100[✓] was passed by the House
(1)

on April 27[✓], 2007, by the following vote:
(2)

Yeas 132[✓], Nays 1, 2 present, not voting[✓]
(3) (4)

Chief Clerk of the House

I certify that H.B. No. 1100[✓] was passed by the Senate
on May 17[✓], 2007, by the following vote:
(5)

Yeas 31[✓], Nays 0[✓]
(6) (7)

Secretary of the Senate

APPROVED:

Date

Governor

**** Preparation: CT24

CKT

80TH LEGISLATURE

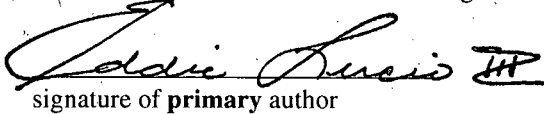
COAUTHOR AUTHORIZATION

(please request your coauthors to sign this form
in lieu of the front or the back of the original bill)

Bill or Resolution Number:

HB 1100

FEB 05 2007


signature of primary author

Eddie Lucio III
printed name of primary author

Date

PERMISSION TO SIGN HB 1100 HAS BEEN GIVEN TO (check only one of the following):
(bill or resolution #)

☒ ALL REPRESENTATIVES

☐ THE FOLLOWING REPRESENTATIVE(S):

I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above:

A2100 Allen	Date	A2450 Cook, Byron	Date	A2795 Farabee	Date
A2125 Alonzo	Date	A2565 Cook, Robby	Date	A2820 Farias	Date
A2150 Anchia	Date	A2595 Corte	Date	A2810 Farrar	Date
A2155 Anderson	Date	A2605 Crabb	Date	A2840 Flores	Date
A2145 Aycock	Date	A2610 Craddick	Date	A2850 Flynn	Date
A2160 Bailey	Date	A2615 Creighton	Date	A2860 Frost	Date
A2205 Berman	Date	A2640 Crownover	Date	A2920 Gallego	Date
A2230 Bohac	Date	A2645 Darby	Date	A2915 Garcia	Date
A2240 Bolton	Date	A2620 Davis, John	Date	A2960 Gattis	Date
A2250 Bonnen	Date	A2625 Davis, Yvonne	Date	A2945 Geren	Date
A2280 Branch	Date	A2680 Delisi	Date	A2935 Giddings	Date
A2265 Brown, Betty	Date	A2690 Deshotel	Date	A2910 Gonzales	Date
A2270 Brown, Fred	Date	A2705 Driver	Date	A4660 Gonzalez Toureilles	Date
A2255 Burnam	Date	A2665 Dukes	Date	A2990 Goolsby	Date
A2295 Callegari	Date	A2660 Dunnam	Date	A3045 Guillen	Date
A2495 Castro	Date	A2650 Dutton	Date	A3035 Haggerty	Date
A2585 Chavez	Date	A2775 Eiland	Date	A3050 Hamilton	Date
A2480 Chisum	Date	A2780 Eissler	Date	A3100 Hancock	Date
A2525 Christian	Date	A2785 Elkins	Date	A3160 Hardcastle	Date
A2425 Cohen	Date	A2805 England	Date	A3150 Harless	Date
A2435 Coleman	Date	A2800 Escobar	Date	A3165 Harper-Brown	Date

A3170 Hartnett	Date	A3730 Mallory Caraway	Date	A4200 Puente	Date
A3175 Heflin	Date	A3780 Martinez	Date	A4230 Quintanilla	Date
A3155 Hernandez	Date	A2835 Martinez Fischer	Date	A4215 Raymond	Date
A3140 Herrero	Date	A3665 McCall	Date	A4220 Riddle	Date
A3250 Hilderbran	Date	A3650 McClendon	Date	A4250 Ritter	Date
A3275 Hill	Date	A3845 McReynolds	Date	A4270 Rodriguez	Date
A3305 Hochberg	Date	A3830 Menendez	Date	A4350 Rose	Date
A3290 Hodge	Date	A3840 Merritt	Date	A4525 Smith, Todd	Date
A3325 Homer	Date	A3825 Miles	Date	A4540 Smith, Wayne	Date
A3330 Hopson	Date	A3835 Miller	Date	A4530 Smithee	Date
A3315 Howard, Charlie	Date	A3860 Moreno	Date	A4505 Solomons	Date
A3310 Howard, Donna	Date	A3870 Morrison	Date	A4545 Strama	Date
A3340 Hughes	Date	A3865 Mowery	Date	A4565 Straus	Date
A3375 Isett	Date	A3875 Murphy	Date	A4570 Swinford	Date
A3350 Jackson	Date	A3885 Naishtat	Date	A4585 Talton	Date
A3405 Jones	Date	A3900 Noriega	Date	A4600 Taylor	Date
A3480 Keffer	Date	A3880 Oliveira	Date	A4630 Thompson	Date
A3470 King, Phil	Date	A3886 Olivo	Date	A4650 Truitt	Date
A3460 King, Susan	Date	A3930 Orr	Date	A4685 Turner	Date
A3465 King, Tracy	Date	A3940 Ortiz, Jr.	Date	A4700 Van Arsdale	Date
A3495 Kolkhorst	Date	A3945 Otto	Date	A4780 Vaught	Date
A3485 Krusee	Date	A4090 Parker	Date	A4725 Veasey	Date
A3450 Kuempel	Date	A4050 Patrick	Date	A4800 Villarreal	Date
A3520 Latham	Date	A4100 Paxton	Date	A4900 Vo	Date
A3540 Laubenberg	Date	A4140 Pena	Date	A4995 West	Date
A3560 Leibowitz	Date	A3240 Pierson	Date	A5005 Woolley	Date
A3610 Lucio, III	Date	A4160 Phillips	Date	A5150 Zedler	Date
A3705 Macias	Date	A4180 Pickett	Date	A5170 Zerwas	Date
A3715 Madden	Date	A4185 Pitts	Date	District 29	Date

H.B. No. 1100

By

Laddie Lucio III

A BILL TO BE ENTITLED
AN ACT

relating to cancellation of a subdivision plat under certain circumstances.

FEB 05 2007

Filed with the Chief Clerk

FEB 12 2007

Read first time and referred to Committee on Land and Resource Management

MAR 28 2007

Reported favorably (~~unfavorably~~)
(as substituted)

APR 02 2007

Sent to Committee on ~~(Calendar)~~
(Local & Consent Calendars)

APR 27 2007

Read second time (comm. subst.) (amended); passed to third reading (~~read~~) by a (non-record vote)
(record vote of ~~_____~~ yeas, ~~_____~~ nays, ~~_____~~ present, not voting)

APR 27 2007

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of _____ yeas, _____ nays, _____ present, not voting

APR 27 2007

Read third time (~~read~~) finally passed (~~failed to pass~~) by a (~~non-record vote~~)
(record vote of 132 yeas, 1 nays, 2 present, not voting)

APR 30 2007

Engrossed

Sent to Senate

Robert Hancey

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

APR 30 2007

Received from the House

INTERGOVERNMENTAL RELATIONS

MAY 02 2007

Read and referred to Committee on _____

MAY 09 2007

Reported favorably _____

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

MAY 17 2007

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(_____ yeas, _____ nays)

MAY 17 2007

Read second time, _____, and passed to third reading by (unanimous consent)
(a viva voce vote)
(_____ yeas, _____ nays)

MAY 17 2007

Senate and Constitutional 3 Day Rules suspended by a vote of 31 yeas, 0 nays

MAY 17 2007

Read third time, _____, and passed by a (viva voce vote)
(31 yeas, 0 nays)

Returned to the House

Ratsy Spaw

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

MAY 17 2007

Returned from the Senate (as substituted)
(with amendments)

House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

House conferees appointed: _____, Chair; _____,

Senate granted House request. Senate conferees appointed: _____, Chair;

Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)

07 MAR 30 PM 8:46

HOUSE OF REPRESENTATIVES